NOVA SCOTIA

Environment and Labour

Plan of Action
in Response to the Study
on Cumulative Environmental Effects of Surface Coal Mines
in Cape Breton Regional Municipality

Nova Scotia Environment and Labour (NSEL) Plan of Action in Response to the Study on Cumulative Environmental Effects of Surface Coal Mines in CBRM

Jacques Whitford was contracted by NSEL to conduct a study of cumulative environmental effects of surface coal mine operations in CBRM. The study, which included a stakeholder consultation and review of best management practices related to environmental effects of surface coal mining, provided recommendations for NSEL's consideration.

The four recommendations provided in the study report are outlined below followed by actions that NSEL will take to address these matters.

Recommendation 1: Adoption of Best Management Practices

> *NSEL should review potentially applicable best management practices (in addition to standard environmental management practices) within the context of the project-specific environmental assessment process and incorporate them as a condition of project approval.*

Action

- **Details on public concerns, potential effects, and best management practices contained in the report have been reviewed. NSEL will incorporate these considerations into future reviews and decision making and apply them as terms and conditions of approval as appropriate.**

- **Where it is anticipated that a surface coal mine project will require significant departmental resources for inspection and monitoring, NSEL may include cost recovery for inspections as a condition of an Environmental Assessment Approval. Cost recovery will be based on estimated staff resource requirements for each project.**

Recommendation 2: Reclamation Planning

> *NSEL (in consultation with NSDNR) should develop a surface mine reclamation planning program including: standards for surface mine reclamation; appropriate research for reclamation and revegetation techniques; an evaluation/monitoring program for reclamation success; and opportunities for community involvement. Progressive reclamation should be required as part of reclamation planning.*

Action

- **NSEL, with input from the Nova Scotia Department of Natural Resources (NSDNR), have prepared a guidance document for surface coal mine reclamation. The guidance document will be provided to industry for use in project planning, and will be used by NSEL in developing specific terms and conditions of approval.**

- **Industrial approvals for surface coal mines in CBRM require operators to submit a reclamation plan. Future approvals will also require operators: to identify in the reclamation plan what the site will look like at different stages and upon final reclamation; and to incorporate progressive reclamation in mine planning, to the extent possible for individual sites/operations. Operations will undergo routine inspections to ensure that operators are following their reclamation plan.**

Recommendation 3: Community Consultation and Involvement

> *Proponents should be required to engage the community members during the preparation of environmental registration documents as well as during project activity and reclamation. Some specific measures include holding public meetings and formation of community liaison committees. NSEL should develop specific guidance for community involvement for surface coal mining proposals.*

Action

- **NSEL will advise proponents that meaningful public consultation is expected. NSEL will require approval applications for surface coal mines in CBRM to demonstrate that public consultation has occurred, and that public concerns have been considered and addressed by the proponent. Steps taken by the proponent to address environmental concerns raised by the public will be a key decision making factor for surface coal mine projects in CBRM.**

- **NSEL will make the establishment of a community liaison committee (CLC) a standard condition of release for surface coal mine projects in CBRM (Currently the requirement for CLCs is determined on a project by project basis). NSEL will require proponents to establish CLCs as a condition of Environmental Assessment Approval and prior to application for Industrial Approval. Meetings will be held at a frequency to be determined by NSEL. Guidance on the formation and organization of CLCs will be provided to proponents at the EA approval stage. Details of CLC membership are to be provided with the Industrial Approval application.**

Recommendation 4: Cumulative Effects

> *Given the potential for individual surface mine projects to result in cumulative environmental effects in combination with past, present, and potential future undertakings, NSEL should require environmental assessments of CBRM surface coal mines to include an evaluation of potential cumulative environmental effects. This should include consideration of valued ecosystem components identified through this study. To provide direction to proponents, NSEL should develop a guideline for cumulative effects assessment as a component of project specific assessment under the Environmental Assessment Regulations.*

Action

- **NSEL will require environmental assessment submissions for surface coal mining projects in the CBRM to include an evaluation of potential for cumulative environmental impacts.**

- **The Environmental Assessment Branch will develop a guidance document for proponents on how to consider cumulative effects in project assessment.**

Bulk Samples

The cumulative effects study identified bulk sampling as both an issue of concern to the public and a potential source of significant adverse environmental effects. Bulk sampling as defined in the Mineral Resources Act "means the obtaining of a sample of mineral-bearing material for the purpose of developing a suitable method of mining or treatment and includes grade and reserve estimation, metallurgical testing, product testing and market evaluation." Typically, bulk samples have been permitted to allow proponents to establish the quality, depth and location of the mineral resource prior to going into full scale production.

Action

- **Under the *Mineral Resources Act* and regulations, and the *Environment Act*, bulk sampling applications must include information on purpose, settling ponds, waste disposal areas, reclamation, etc. NSEL will continue to require details on potential environmental effects to assess industrial approval applications for bulk sampling.**

- **Proponents may be required by NSEL to demonstrate that public consultation has been undertaken before an approval is issued for a bulk sample.**